

Federal judges. These nominees all participated in hearings on October 4 and were reported unanimously by the Judiciary Committee last Thursday, when the committee persevered with our previously scheduled meeting in spite of the extraordinary circumstances that prevailed here on Capitol Hill.

In spite of the postponement of other matters by other committees, in spite of the closure of the Dirksen Senate Office Building and the unavailability of our hearing and meeting room and in spite of our continuing focus and efforts to finalize an antiterrorism bill, last Thursday the Senate Judiciary Committee proceeded to meet and report these 4 judicial nominees, 13 nominees to be U.S. attorneys for districts around the country and an Assistant Attorney General for the Department of Justice. Then, last Thursday afternoon we held a hearing for an additional five judicial nominees that was chaired by Senator SCHUMER, which I attended along with Senators KENNEDY, DURBIN, and DEWINE.

Thus, last week while Republicans were voting as a bloc to filibuster the foreign operations appropriations bill and stall initiatives vital to building an international anti-terrorism coalition, the Senate Judiciary Committee continued to do its work. Two weeks ago the Senate confirmed our fourth court of appeals judge for the year, topping the total confirmed in the first year of the Clinton administration and topping the zero from 1996 when a Republican majority in the Senate refused to confirm even a single nominee to the courts of appeals all year.

Two weeks ago the Senate also confirmed another district court nominee. That brought the total judges confirmed so far this year to eight, exactly twice the number that had been confirmed by the same time in the first year of the first Bush administration and by the same time in the first year of the Clinton administration. In spite of our record pace since July in confirming judicial nominees, every Republican Senator voted last week to stall Senate consideration of a vital appropriations bill ostensibly to "protest" what they contend is a supposed "slowdown" on the consideration of judicial nominees. The facts belie their unfounded contention.

The Senate's continuing progress in spite of the numerous roadblocks and obstructions erected by Republicans throughout the year was evidenced again last Thursday and will be again today when the Senate votes to confirm another four judges.

At the end of this series of rollcall votes on these district court nominees to fill vacancies in Oklahoma, Kentucky, and Nebraska, the Senate will have confirmed 12 judges since July. Since I became chairman, Republicans finally allowed the Senate to reorganize at the end of June and Members were assigned to the Judiciary Committee on July 10, the committee has

held seven hearings involving judicial nominees.

We have already held as many hearings for judicial nominees as were held during the first year of the first Bush administration and more than were held during the first year of the Clinton administration. In addition, I have scheduled an eighth hearing involving judicial nominees for this week.

Our Republican critics have come up with a new statistic in an effort to diminish our accomplishments. Last week they took to talking in terms of average judges per hearing. Since it is their statistic, I guess they can figure it any way they want. I would observe that I can find no time this year when we had included only 1.4 judicial nominees per hearing. I should also observe that after the hearing on Thursday we will have included 23 judicial nominees at eight hearings. Even "fuzzy math" would have to concede that we are at more than double the "average" Republicans cite.

They do not explain that when President Bush unilaterally decided to change the more than 50-year-old practice of involving the American Bar Association in professional peer reviews while nominations were being considered, and that his decision has had consequences at other stages of the process. They do not acknowledge that only two of this President's first 18 nominees were for district court vacancies. They are oblivious to the fact that when early hearings were noticed and held many of these nominees had not completed paperwork and complete files.

They ignore the structure and practice for judicial confirmation hearings that has been followed by Republican and Democratic chairmen of the committee for more than 25 years in including three to five district court nominees with a nominee to a court of appeals and to the extent district court nominees did not have completed files or were controversial and not rushed into a hearing there might be a good explanation for the lack of a full complement of nominees at a hearing. They refuse to acknowledge the extraordinary parallel effort we continue to make to hold hearings for the numerous executive branch nominees that are simultaneously pending.

They are apparently frustrated that we have already confirmed four nominees to the courts of appeals and will match and likely exceed the number of court of appeals nominees confirmed in either 1989 or 1993. They seek to discount the judges confirmed by referring to three of them as "Democrats." These are nominees from President Bush that they have somehow determined are "Democrats" and whose confirmations should not be considered or counted in their partisan view, I guess.

The answer to their criticism is very simple: Since July 11 we have held 7 hearings and included 19 judicial nominees. That is more nominees than received hearings by October 18 in the

first year of the first Bush administration or by October 18 in the first year of the Clinton administration. Thus, whether measured by confirmations or by judicial nominees who have received hearings, in spite of the change in majority in the middle of this year and the delays that Republicans have caused in the process of reorganizing, we are ahead of the pace of the first year of the Clinton administration and the first year of the first Bush administration. The Republicans' charges of a slowdown could not be farther from the truth.

The Senate Judiciary Committee and the Senate are on pace to match or exceed the confirmations of judges at the end of the first year of the Clinton administration and at the end of the first year of the first Bush administration.

In order to obscure this record pace, our Republican critics compare where we are now, on October 23, with where those Senate's were after they adjourned in late November. The facts are that on October 23, 1989, the Senate had confirmed only seven of President George H.W. Bush's judicial nominees. On October 23, 2001, this year we will have confirmed 12 of the judicial nominees of President George W. Bush.

Among the seven nominees confirmed by October 23, 1989 were three to the courts of appeals. This year we have already confirmed four judges for the courts of appeals.

By October 23, 1993, the Senate had confirmed eight judicial nominees for President Clinton. Today we confirm our 9th, 10th, 11th, and 12th judicial nominees since July this year. Among the nominees confirmed by this date in 1993 were two nominees to the courts of appeals. This year we have already confirmed four judges to the courts of appeals.

We are actually confirming more judges and confirming them faster than in either of the first years of either the Clinton or first Bush administration. In addition, I suspect that we are acting faster with respect to more judges, including more nominees to the courts of appeals, than at virtually any time during the last several years in which a Republican majority controlled the Senate and the Judiciary Committee and President Clinton was doing the nominating.

Further, in addition to the 12 judges the Senate has confirmed, the Senate Judiciary Committee has included seven additional nominees in confirmation hearings and I have scheduled another hearing later this week for another four judicial nominees, as well as another Department of Justice nominee. Thus, by the end of this week, in addition to the dozen judges confirmed, another 11 will have had hearings before the committee. If the Senate remains in session this year as late into November as it did in 1989 and 1993, we may have the opportunity for another hearing involving several more judicial nominees.